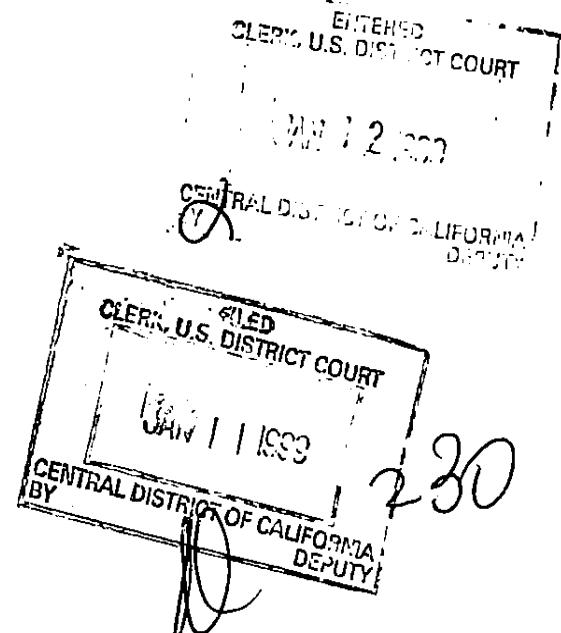


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12
13 UNITED STATES DISTRICT COURT
14
15 CENTRAL DISTRICT OF CALIFORNIA
16
17

18 ENESCO CORPORATION, an Ohio) CASE NO. CV 96-3769 TJH (SHx)
corporation, and PRECIOUS MOMENTS,)
19 INCORPORATED, an Illinois corporation,)
Plaintiffs,)
v.)
PRICE/COSTCO INC., a Delaware)
corporation, and DOES 1 through 5,)
Defendants.)

NOTICE TO DISMISS THE ACTION
WITH PREJUDICE

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

JAN 12 1999

ORIGINAL

JAN 12 1999
SERTIFIED ON THIS
31

1 PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1) of the Federal Rules of Civil
2 Procedure, the plaintiffs hereby dismiss the above-entitled action with prejudice, each party to bear
3 its own costs and attorneys' fees.

4
5 DATED: Jan. 8, 1999

McANDREWS, HELD & MALLOY, LTD.

6 - and -
7
8

BAKER & HOSTETLER LLP

9
10 
Larry W. McFarland

11 Attorneys for Plaintiffs
12 ENESCO CORPORATION and PRECIOUS
13 MOMENTS, INCORPORATED
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PROOF OF SERVICE BY MAIL

Enesco Corporation et al. v. Price/Costco Inc.
USDC, Central District, No. CV 96-3769 TJH (SHx)

I, the undersigned, say: I am and was at all times herein mentioned a resident of the County of Los Angeles, over the age of eighteen years and not a party to the within action or proceeding; that my business address is 9150 Wilshire Boulevard, Los Angeles, California; that I am employed in the office of Baker & Hostetler, by a member of the Bar of this Court, at whose direction the service mentioned herein below was made.

I am readily familiar with the normal business practices of my employer for the collection and processing of correspondence and other materials for mailing with the United States Postal Service. In the ordinary course of business, any materials designated for mailing with the United States Postal Service and placed by me for collection in the office of employer is deposited the same day with the United States Postal Service.

On January 11, 1999 I served a copy of the **NOTICE TO DISMISS THE ACTION WITH PREJUDICE** upon counsel named below by placing a true and correct copy thereof in an envelope(s) and addressed as follows:

Norman H. Levine
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Attorneys for Defendant
PRICE/COSTCO INC.

I sealed said envelope(s) and, following the ordinary business practices of my employer, placed said sealed envelope(s) in the office of my employer, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 11, 1999 at Beverly Hills, California.

J.A. Fines
J A Fines